

1897-061
Lee Co.

Chancery Causes: A. D. Scott vs. Elizabeth Scott

Ch-Estate Dispute
T-Property

To the Honorable W.T. Miller Judge of the Circuit Court
of Lee County Va.

Humbly complaining, your oratrix ^{by} A.D. Scott, would respectfully
represent and show unto your honor that N.M. Scott departed
this life on the day of 189 intestate, and died seized
and possessed of a tract of land situated in Lee County Va.
Containing about 104 acres, that the said N.M. Scott left
a widow Elizabeth Scott, who is entitled to dower in said
tract of land, that the aforesaid tract of land was sold
subject to the widows dower, by a commissioner of your
honors Court, to satisfy debts due the creditors of the
estate of N.M. Scott dec. and purchased by your oratrix,
that your oratrix has paid the entire purchase money and
has a deed to said land. Now the object of this bill is to
have the widow's dower assigned in said tract of land,
taking into consideration rental value, quantity and quality
and that the said Elizabeth Scott be assigned only one-
third of said tract of land in rental value, for and during
her natural life. Your ^{oratrix} is informed that the said widow claims
that her dower has been assigned her, on her own motion
in the County Court of Lee County. Your orator alleges that
if such is the case the same is illegal and void for want
of jurisdiction. but if not your ^{oratrix} alleges that there should
be an Admeasurement of dower, that one-half the said tract
of land was assigned to the said widow, and about all the
rental value of the said ^{land}, which your orator alleges is
contrary to equity. The prayer of your orator is, ^{that} Elizabeth
Scott be made party defendant to this bill, and answer the
same, but she need not answer on oath, that being waived
that commissioners be appointed by your honors court to
go upon the said land, and lay off and assign to Elizabeth
Scott her dower in said land, allowing only one-third in

in rental value, and all other further and general relief
as the equity of her case may require, and your oratrix
will ever pray etc.

M. G. Eely p. q.

Pffs Costs

Clerk 2.75-

Lax 1.50

Shff 50

4.75-

Defts Costs recovered

C 2.29

aty 15.00

Cs c 20

\$17.54

1897

A. D. Scott

W E Bill in Chancery

Elizabeth Scott

1897 1st Oct rules & paid

+ D N

" 2nd Oct rules & N

Conf'd + Cause set for
hearing

Nov Term 1897 Decree

Final O. Bk. 6 P 83

1890 to 1900

S₁

A. D. Scott

vs

} Lechy

Elizabeth Scott }

To The Hon. W. Y. Miller, Judge of the
Circuit Court of Lee County, Virginia:

The Deemur & Answer of Elizabeth
Scott to a Bill filed by A. D. Scott
in this Hon. Court against her.

For answer thereto this respondent, says
that the plaintiffs Bill is not sufficient
in law & of this she prays judgment &c.

Should further answer be necessary,
answering she says: that it is true
she is the widow of M. M. Scott died &
as such entitled to dower in all the
land of which he died seized & possessed;
but that it is not true that she is
entitled to dower in only 104 acres, but
in 2 or more tracts namely, the W. S.
Scott Tract, Eliza Barker tract & perhaps
the Smallwood tract, all having been sold
by her husband in his life time &
in which she did not join. So she
claims that dower should be assigned
her equal to $\frac{1}{3}$ of all these land.

It is true that your respondent
has been assigned dower in her late
husbands land, on her motion in the
County Court & while she is advise
that the same is informal she does
not think that this plaintiff should
complain. Said ^{motion} assignment was made

On the day of 189, Courts duly
appointed & reported & their report
confirmed ~~on~~ the day of 189~~th~~
& duly recorded in the Lee County
Court Clerk's Office

long before this plaintiff purchase
any interest in this land. She alleges
that Plff purchased with the full
knowledge of this assignment &
bought said land subject to
dower as laid out. All which
fact will fully appear from
said assignment of dower as
well as a reference to the chancery
cause of W.D. Scott vs W.P. Westonover,
which if necessary will be copied
& filed herewith, & reference is made
to both as if herein fully set out.

Now your respondent alleges that to
allow the plaintiff to have a re-ad-
measurement of dower would be
very inequitable. It would be to
give to this plaintiff a double ad-
vantage, that of purchase the land
~~but at a reduced~~ price because
of this assignment of dower & then
to come in & have a chance to have
that dower lessened.

That said land was sold at a
reduced price & this plaintiff got
the advantage of the same may be
clearly seen by a reference to

reports of sale in the above mentioned
cause, the land selling for less
than \$1⁰⁰ per acre where as
in fact it is worth some
5⁰⁰ or 6⁰⁰ per acre.

and now having fully answered
~~the~~ traps to be hence dismissed with
her reasonable costs. And she will
ever pray &c.

Phidmore Lowell
P.D.

1 The within answer from "1" in margin to the end of
2 excepted to because it sets up no defense whatever

m. g. Eley for opp

Elizabeth Scott

Ans

A. D. Scott

Filed & sworn 8th 1897
H. B. Munnery Clerk

A. D. Scott Plff.

against Elizabeth Scott Defh } Duchy

This cause came on this day & he heard upon the Bill of the Plaintiff, the Answer of the Defendant & ~~exceptions thereto~~ & general replication thereto & was argued by Counsel.

On consideration whereof it is the opinion of the Court that it would be inequitable for a reassignment of dower, the plaintiff having had notice of the assignment & purchased subject thereto, it is therefore adjudged, ordered & decreed that the plaintiffs Bill be dismissed & that Defendant recover her costs for which execution may issue & this cause is Stricken from the docket.

A D Scott

WJ Deane
final

Elizabeth Scott

Nov. 7. 1897.

Entered in Chex
Q.B. No 6 Page 88-

Entered this

MT FM

Nov 10th 1897.

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

Elizabeth Scott

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the
Rules to be holden for said court, on the 1st Monday in October, 1897, to answer
a bill in Chancery, exhibited against her in our court by

A. D. Scott

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 12th year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

Clerk.

A. D. Scott

SUBPCENA

vs. {

IN CHANCERY.

Elizabeth Scott

M. G. Ely P. Q.

TO 1st Oct Rul s. 1897

CIRCUIT COURT

Executed Oct 1st
1897 by delivering
an attested office
copy of the within
summons to Elizabeth
Scott in Lee Co Va
W. P. Weston S. J.